

# **Categorical Exclusion Documentation Format for Actions Other Than Hazardous Fuels and Fire Rehabilitation Actions**

## **Project Name**

**NEPA Number** DOI- BLM-AZ-C010-2012-0010-CX

### **A. Background**

BLM Office: Kingman Field Office

Lease/Serial/Case File No.:

**Proposed Action Title/Type:** Nuisance burro removal north of Lake Havasu City, Arizona.

#### **Location of Proposed Action:**

The burros are located south of Interstate 40, east of the Colorado River, West of SR95, and north of Lake Havasu City, Arizona, Mohave County (see attached Map).

#### **Background:**

The Kingman Field Office received a request from Arizona Department of Transportation (ADOT) to remove problem burros from the area north of Lake Havasu City and West of SR95. This area was excluded from the Lake Havasu HMA in the Lake Havasu RMP (2007). Six vehicle / burro collisions have occurred along SR95 within the weeks prior to their request. The collisions resulted in minor injuries to the public, damage to vehicles, and casualties to the burros. To prevent further accidents a gather was conducted using bait traps from September 19<sup>th</sup> to approximately October 11, 2011 in this area. A total of 57 burros were removed. Arizona Game and Fish department (AZGFD) conducted a bighorn sheep survey on October 7, 2011. They informed the BLM that they counted 27 burros in the area north of Lake Havasu City and West of SR95 and provided BLM with the GPS locations. A total of 49 Burros had been captured prior to their survey. Five more burros were captured on October 8<sup>th</sup> and 3 burros were captured on October 11, 2011 from the area. Based on the AGFD's observation an estimated 19 or more burros are still present in this area. AZGFD declared that they only conducted their survey in the steeper more rugged terrain and did not survey any of the lower elevations therefore there could be more than 19 burros in the area. Observations by the Kingman Wild Horse and Burro Specialist indicate that burros are still utilizing the previous trap locations and are a potential hazard to the public on SR95.

#### **Description of Proposed Action:**

Remove an estimated 10 to 20 burros between November, 2011 and January, 2012. The nuisance burros are remnant from the removal that occurred in October, 2011 outside the Lake Havasu Herd Management Area. Bait traps would be placed on private or public land in disturbed sites near areas where the burros have created a nuisance situation. Burros are enticed into a corral with a one way gate and not able to exit the corral. Since burros generally do not have an acquired taste for alfalfa hay, it can take time to get them used to it and the panels before initiating a bait trapping operation. Once burros begin to utilize the hay offered, a temporary corral would be constructed around the bait site. The bait trap would be temporary and the area can be reclaimed just by removing the corral panels and raking up hay and manure.

Appropriate individuals and agencies (including those who have expressed issues with the burros) will be notified prior to bait trapping operations.

## **B. Land Use Plan Conformance**

Land Use Plan Name: *Lake Havasu Field Office ROD / Approved Resource Management plan*

Date Approved/Amended: May 2007

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

- HB-1            Viable, color-diverse burro populations will be maintained within the HMA, while maintaining a thriving natural ecological balance with other resources and consistent with other management agencies' objectives (including wildlife, riparian, and upland vegetation, recreation, and others).
- HB-4            The Area north of Lake Havasu City (west of SR 95 and east of the Colorado River) will be excluded from the Havasu HMA due to increasing population pressures, traffic concerns, and refuge conflicts.
- HB-9            Safety issues will continue to be handled as emergency/nuisance removals, receiving top priority to correct public safety concerns. Additionally, the BLM will work with ADOT to create accessible safe crossings for wildlife and wild burros.

## **C. Compliance with NEPA:**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, D. Rangeland Management, (4) Removal of wild horses or burros from private lands at the request of the landowner. This has been interpreted to extend to lands managed by other agencies. In this situation ADOT has requested removal of burros that may create unsafe situations on their highway right of ways located along SR95 which includes lands managed by the Arizona State Lands Department.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment (see attachment 1). This action is similar to the removal methods discussed in the LHFO RMP, North Lake Havasu Burro Removal (EA-AZ-330-2008-001), and the Havasu Herd Management Area Plan (1979). A DNA was completed prior to the 2011 removal and this categorical exclusion is a continuation of documentation to the proposed action. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

I considered the plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan, and none of the exceptions described in 516 DM 2 apply, and no further environmental analysis is required.

## **D. Signature**

Authorizing Official:       / s / Don McClure        
(Signature)

Date:       11/03/2011      

Name: Don McClure

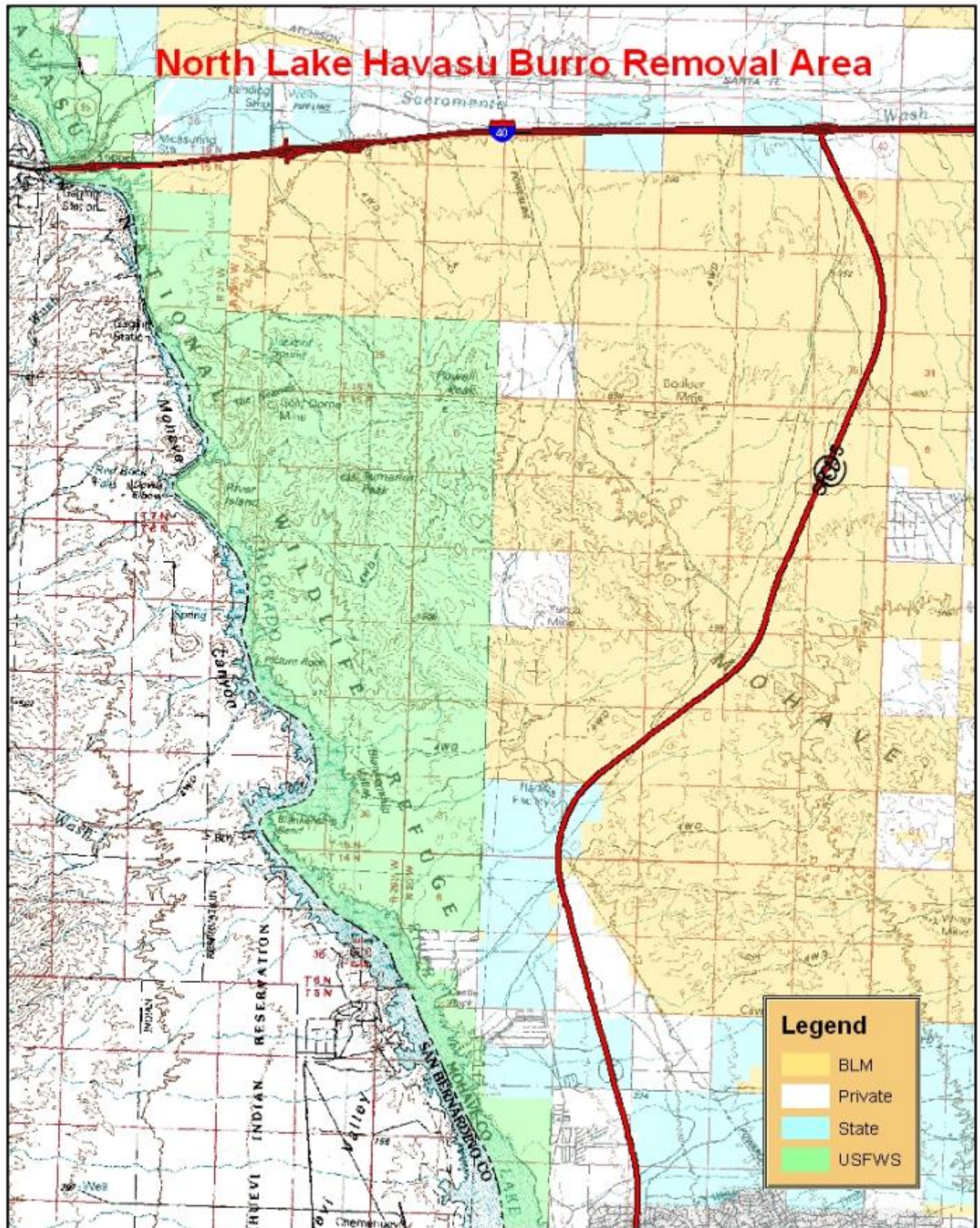
Title: Assistant Field Manager, Renewable Resources

## **Contact Person**

For additional information concerning this CX review, contact:

Chad Benson  
Kingman Field Office  
2755 Mission Blvd  
Kingman, AZ 86401  
928-718-3700.





## Attachment 1: Extraordinary Circumstances Review

Extraordinary Circumstances	Comment (Yes or No with supporting Rationale)
1. Have significant effects on public health or safety.	No.
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988) national monuments; migratory birds; and other ecologically significant or critical areas.	No.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	No.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	No.
5. Establishes a precedent for future action or represents a decision in principle about future actions with significant environmental effects.	No.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	No.
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.	No.
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.	No.
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	No.
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	No.
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).	No.
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).	No.

## Approval and Decision Attachment 2

**Compliance and assignment of responsibility:**

Wild Horse and Burro Program    Chad Benson

**Monitoring and assignment of responsibility:**

Wild Horse and Burro Program    Chad Benson

*Review: We have determined that the proposal is in accordance with the categorical exclusion criteria and that it would not involve any significant environmental effects. Therefore, it is categorically excluded from further environmental review.*

**Prepared by:**                                / s / Chad Benson          

**Date:**    11/03/2011

Chad Benson  
Wild horse and Burro Specialist  
**Project Lead**

**Reviewed by:**                                / s / Don McClure          

**Date:**    11/03/2011

Don McClure,  
**NEPA Coordinator**

**Project Description:** Remove an estimated 10 to 20 burros between November, 2011 and January, 2012. The nuisance burros are remnant from the removal that occurred in October, 2011 outside the Lake Havasu Herd Management Area.

Bait traps would be placed on private or public land in disturbed sites near areas where the burros have created a nuisance situation. Burros are enticed into a corral with a one way gate and not able to exit the corral. Since burros generally do not have an acquired taste for alfalfa hay, it can take time to get them used to it and the panels before initiating a bait trapping operation. Once burros begin to utilize the hay offered, a temporary corral would be constructed around the bait site. The bait trap would be temporary and the area can be reclaimed just by removing the corral panels and raking up hay and manure.

Appropriate individuals and agencies (including those who have expressed issues with the burros) will be notified prior to bait trapping operations.

**Decision:** Based on a review of the project described above and field office staff recommendations, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed.

**Approved by:**                                / s / Don McClure          

**Date:**    11/03/2011

Don McClure  
Assistant Field Manager, Renewable Resources  
Kingman Field Office